

programs listed in items (1) through (4) above will expire on March 1, 2000, except that the agreement with the Massachusetts Department of Employment and Training will expire on March 12, 2000. The Department's Data Integrity Board has approved new agreements to permit the above-named computer matching programs to continue for another 18 month period from the expiration date or after the notification period (described below) is satisfied, whichever is later.

Matching activities under the new agreements will be effective 30 days after publication of this computer matching notice in the **Federal Register**, or 40 days after a report concerning the computer matching program has been transmitted to the Office of Management and Budget (OMB), and transmitted to Congress along with a copy of the agreements, whichever is later.

The agreements (and matching activities) will continue for a period of 18 months from the effective date, unless, within 3 month prior to the expiration of the agreement, the Data Integrity Board approves a one-year extension pursuant to 5 U.S.C. 552a(o)(2)(D).

In accordance with 5 U.S.C. 552a(o)(2)(A) and (r), the required report is being provided to the OMB, and to the Congress together with a copy of the agreements.

Inquiries may be addressed to Kay Brinkmeyer, Program Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530.

Dated: January 21, 2000.

**Janis A. Sposato,**

*Deputy Assistant Attorney General, Law and Policy.*

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## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### Proposed Extension of Information Collection; Comment Request; Prohibited Transaction Class Exemption 91-38

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing

collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of the information collection provisions of the Prohibited Transaction Class Exemption 91-38. A copy of the Information Collection Request (ICR) may be obtained by contacting the office listed in the addresses section of this notice.

**DATES:** Written comments must be submitted to the office shown in the addresses section below on or before March 27, 2000.

**ADDRESSES:** Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N-5647, Washington, D.C. 20210. Telephone: (202) 219-4782; Fax: (202) 219-4745. These are not toll-free numbers.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Prohibited Transaction Class Exemption 91-38 provides an exemption from the prohibited transaction provisions of ERISA for certain transactions between a bank collective investment fund and persons who are parties in interest with respect to a plan as long as the plan's participation in the collective investment fund does not exceed a specified percentage of the total assets in the collective investment fund. In order to ensure that the exemption is not abused, that the rights of participants and beneficiaries are protected, and that compliance with the exemption's conditions are taking place, the Department has required that records regarding the exempted transaction be maintained six years.

##### II. Desired Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

##### III. Current Action

This existing collection of information should be continued because without the exemption, individuals or entities which are parties in interest of a plan that invests in a bank collective investment fund would not be able to engage in transactions with the collective investment fund, thus creating potential financial hardships for those affected. For the Department to grant an exemption, however, it must ensure that the beneficiaries are protected. It, therefore, included certain conditions in the exemption, and required that records be kept for six years from the date of the transaction so that it can be determined whether these conditions have been met. Without such records, the Department and other interested parties, such as participants, would be unable to effectively enforce the terms of the exemption and ensure user compliance.

*Type of Review:* Extension of a currently approved collections of information.

*Agency:* Pension and Welfare Benefits Administration, Department of Labor.

*Titles:* Prohibited Transaction Class Exemption 91-38.

*OMB Number:* 1210-0082.

*Affected Public:* Individuals or households; Business or other for-profit; Not-for-profit institutions.

*Estimated total burden hours:* 90.

*Respondents:* 1,074.

*Frequency of Response:* On occasion.

*Responses:* 1,074.

*Estimated Total Burden Hours:* 5 minutes.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Dated: January 21, 2000.

**Gerald B. Lindrew,**

*Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.*

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